

Notice of Allowability

Application No.

10/092,926

Applicant(s)

NGUYEN ET AL.

Examiner

Art Unit

Gary W. Counts

1641

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to telephone interview 01/18/06.
2. ☒ The allowed claim(s) is/are 1-21, 23, 36 & 37 (renumbered 1-24 respectively).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Joel Ackerman, Attorney on January 18, 2006.

IN THE ABSTRACT:

Replace the abstract with the following:

--A method and kit for simultaneous detection and/or determination of a plurality of modified proteins in a sample. The method comprises: a) contacting the sample under mild protein denaturation conditions with a plurality of first antibodies capable of binding to a specific target protein, the first antibodies being immobilized on solid support material, each first antibody being differentiable from others by a differentiation parameter, whereby the first antibodies bind to respective target proteins present in the sample; b) removing unbound materials from the locus of the first antibodies; c) contacting the materials from step (b) with one or more second antibodies, each of which is specific to a class or subclass of modified proteins or with a plurality of second antibodies, each of which is specific to a modified protein, so as to bind the second antibody or antibodies to modified proteins in the sample; and d) detecting and/or determining a plurality of modified proteins in the sample. The kit comprises a plurality of primary antibodies immobilized on solid support material, one or more buffers for

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lysing and for washing cellular material samples to be assayed, an assay buffer for conducting the assay, the buffer containing a sulfate or sulfonate detergent, and one or more second antibodies specific to the modified proteins.--

IN THE CLAIMS:

Cancel claims 22 and 24-35 without prejudice.

Claim 1 replace step a) with the following:

-- a) adding a sulfate or sulfonate detergent, in a concentration of about 1-10 mM and a plurality of first antibodies capable of binding to a specific target protein to said sample to create a mixture and incubating at a temperature of between about 4 and 37 degrees Celsius, and for a time of from about 2 to about 72 hours, wherein the first antibodies are immobilized on solid support material, each first antibody being differentiable from others by a differentiation parameter, whereby the first antibodies bind to respective target proteins present in the sample;--

Claim 23, line 1 delete the recitation "according to claim 22" and replace with -- according to claim 1--.

Replace claim 36 with the following:

--In a process for simultaneously analyzing a sample for a plurality of modified proteins, comprising denaturing a plurality of modified proteins, wherein the improvement comprising adding a sulfate or sulfonate detergent, in a concentration of about 1-10 mM and a plurality of first antibodies capable of binding to a specific target protein to said sample to create a mixture and incubating at a temperature of between about 4 and 37 degrees Celsius, and for a time of from about 2 to about 72 hours.—

2. The following is an examiner's statement of reasons for allowance: the prior art of record neither teaches nor suggests a method as recited comprising adding a sulfate or sulfonate detergent in a concentration of about 1-10 mM and a plurality of first antibodies capable of binding to a specific target protein to said sample to create a mixture and incubating the mixture at the temperatures and times as recited.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary W. Counts whose telephone number is (571) 2720817. The examiner can normally be reached on M-F 8:00 - 4:30.

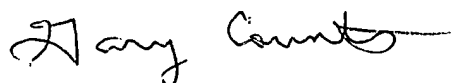
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Long Le can be reached on (571) 272-0823. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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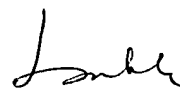


Gary Counts

Examiner

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January 19, 2006



LONG V. LE

SUPERVISORY PATENT EXAMINER

TECHNOLOGY CENTER 1600

01/23/06